

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on **November 14, 2008**.

Scott W. Brim, Reg. No. 51,500

Name of Applicant, Assignee or
Registered Representative


Signature

November 14, 2008
Date

Our Case No. 8285/673

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Tricia Ehlers Henry et al.)	
)	Examiner: Elahee, MD S
Serial No.: 10/775,831)	
)	Group Art Unit No.: 2614
Filing Date: February 10, 2004)	
)	
For: System and Method for Accessing)	
a Messaging Service Using a)	
Short Dialing Sequence)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I. Introduction

Claims 1-20 are pending on the application. In the final Office Action dated Sept. 19, 2008, the Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,215,857 ("Kasiviswanathan") in view of U.S. Pat. No. 6,044,259 ("Hentila") and U.S. Pat. No. 5,278,897 ("Mowery"). Applicants request review of the final rejection.

II. The Proposed Combinations Do Not Render Claim 1 Unpatentable

Independent claim 1 generally recites a supplementary service processor operative to generate a query to a supplementary service database to determine whether the central office switch supports a supplementary service and to determine whether a user has access to a voicemail service based on a caller identifier. Kasiviswanathan, Hentila, and Mowery each fail to teach this element.

The Examiner has acknowledged that "Kasiviswanathan in view of Hentila fails to teach to determine [sic] whether a user has access to a voicemail service based on a caller identifier." (See Office Action dated Sept. 19, 2008, page 5). Accordingly, the proposed combination of Kasiviswanathan and Hentila necessarily fails to teach generating a query to a supplementary service database to determine both whether a central office switch supports a supplementary service and whether a user has access to a voicemail service based on a caller identifier.

Like Kasiviswanathan and Hentila, Mowery also fails to teach the element. Mowery is directed to systems and methods for providing smart internodal transfer for subscriber access in multimode voice messaging. Mowery discloses a database to provide information regarding whether an accessed node is a home node for a subscriber, to provide password validation information, and to provide subscriber information such as subscriber mailbox information and subscriber accesses type.

The Examiner has asserted that Mowery teaches determining whether a user has access to a voicemail service based on a caller identifier. Applicants respectfully submit that determining whether a user has access to a voicemail service based on a caller identifier is not the same as generating a query to a supplementary database to

determine both whether a central office switch supports a supplementary service and whether a user has access to voicemail service based on a caller identifier.

Because Kasiviswanathan, Hentila, and Mowery each fail to teach a supplementary service processor operative to generate a query to a supplementary service database to determine whether the central office switch supports a supplementary service and to determine whether a user has access to a voicemail service based on a caller identifier, the proposed combinations of Kasiviswanathan, Hentila, and Mowery necessarily do not render independent claim 1, or any claim that depends on claim 1, unpatentable.

III. The Proposed Combinations Do Not Render Claim 11 Unpatentable

Independent claim 11 recites determining whether a central office switch supports a supplementary service based on a message sequence and a supplementary service database, and determining whether a user has access to a voicemail service based on a caller identifier and the supplementary service database. In claim 11, the supplementary service database is used to determine both whether a central office switch supports a supplementary service and whether a user has access to a voicemail service based on a caller identifier. As discussed above in conjunction with claim 1, the proposed combinations of Kasiviswanathan, Hentila, and Mowery fail to teach this element.

Because Kasiviswanathan, Hentila, and Mowery each fail to teach at least determining whether a central office switch supports a supplementary service based on a message sequence and a supplementary service database, and determining whether a user has access to a voicemail service based on a caller identifier and the supplementary service database, the combinations of Kasiviswanathan, Hentila, and Mowery as contemplated by the Examiner do not render claim 11, or any claim that depends on claim 11, unpatentable.

IV. The Proposed Combinations Do Not Render Claim 16 Unpatentable

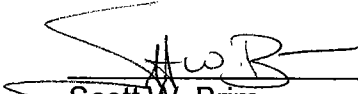
Independent claim 16 recites generating a query to a supplementary service database in response to receiving a message sequence to determine whether the

central office switch supports a supplementary service based on whether a service code is present in the n-digit message sequence and to determine whether the user has access to the voicemail service based on a caller identifier. As discussed above in conjunction with claim 1, Kasiviswanthan, Hentila, and Mowery fail to teach generating a query to a database to determine both whether a central office supports a supplementary service and whether a user has access to a voicemail service based on a caller identifier. For at least this reason, the proposed combinations of Kasiviswanthan, Hentila, and Mowery necessary do not render independent claim 16, or any claim that depends on claim 16, unpatentable.

V. Conclusion

Applicants submit that the pending claims are in condition for allowance. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

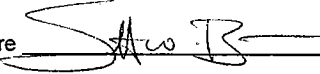
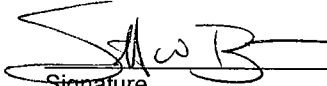
Respectfully submitted,



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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8285-673	
I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on: November 14, 2008. Signature  Typed or printed Name <u>Scott W. Brim</u>		Application Number: 10/775,831	Filed: February 10, 2004
		First Named Inventor: Tricia E. Henry et al.	
		Art Unit: 2614	Examiner: Elahee, MD S.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five(5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51,500</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u> </u></p> <p>Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			
 Signature <u>Scott W. Brim</u> Typed or Printed Name <u>312 321-4200</u> Telephone number <u>November 14, 2008</u> Date			